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11 Attorney for Nicholas Victor Principe

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 NICHOLAS VICTOR PRINCIPE,

18 Defendant.

19 Case No. 2:21-mj-01036-BNW

20 **STIPULATION TO AMEND  
COUNT ONE AND CLOSE  
CASE**

21 IT IS HEREBY STIPULATED AND AGREED, by and between Jason  
22 Frierson, United States Attorney, and Angelica Marmorstein, Assistant United  
23 States Attorney, counsel for the United States of America, and Rene L.  
24 Valladares, Federal Public Defender, and Ron Sung, Assistant Federal Public  
25 Defender, counsel for Nicholas Principe, that the case be closed.

26 This Stipulation is entered into for the following reasons:

1. On December 16, 2021, Mr. Principe was charged in a two-count  
Complaint with (1) Operating a Motor Vehicle while Under the Influence of

1 Alcohol, (2) Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher,  
2 and (3) Golf Cart Operations. ECF No. 1.

3       2. On February 23, 2022, Mr. Principe entered into a Petty Offense  
4 Plea Agreement with the government in which he agreed to plead guilty to Count  
5 One of the Complaint, Operating a Motor Vehicle while Under the Influence of  
6 Alcohol. ECF No. 10 at 1. The government agreed to dismiss Count Two,  
7 Operating a Motor Vehicle with a BAC of 0.08 Grams and Higher, and Count  
8 Three, Golf Cart Operations. *Id.* at 1-2.

9       3. The parties jointly agreed to recommend Mr. Principe be sentenced  
10 to unsupervised probation for one year, with the following special conditions: (i)  
11 pay a \$500 fine and a mandatory \$10 penalty assessment; (ii) attend and  
12 complete the Lower Court Counseling's DUI course and Victim Impact Panel; (iii)  
13 complete an 8-hour online alcohol awareness course; (iv) not return to Lake Mead  
14 for 6 months; and (v) not violate any local, state, or federal laws. ECF No. 10 at 2-  
15 3.

16       4. The parties further agreed that, if, after 6 months of unsupervised  
17 probation, Mr. Principe successfully completed special conditions (i), (ii), and (iii),  
18 and (iv), they would move to withdraw his guilty plea to Count One and the  
19 government would move to amend Count One to Reckless Driving, allow Mr.  
20 Principe to plead guilty to Reckless Driving, and apply the original sentence to  
21 the Reckless Driving conviction. ECF No. 10 at 3.

22       5. On February 23, 2022, this Court sentenced Mr. Principe pursuant  
23 to the plea agreement. ECF No. 11.

24       6. This Court ordered the parties to file a Proposed Stipulation by  
25 August 23, 2022, indicating that Mr. Principe has completed all outstanding  
26 sentencing obligations. ECF No. 11.

7. Mr. Principe has successfully completed conditions (i), (ii), (iii), and (iv). Accordingly, the parties jointly request Count One to be amended to Reckless Driving and for the case to be closed.

DATED: August 23, 2022.

RENE L. VALLADARES  
Federal Public Defender

JASON FRIERSON  
United States Attorney

By /s/ Ron Sung  
RON SUNG  
Assistant Federal Public Defender

By /s/Angelica Marmorstein  
ANGELICA MARMORSTEIN  
Assistant United States Attorney

**ORDER**  
**IT IS SO ORDERED**

**DATED:** 2:58 pm, August 24, 2022

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**BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE**